IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 17375 of 2007(R)

PETITIONER:

MUHAMMED BASHEER HAJI,
PUTHENVEETTIL HOUSE, NEDUMPANA, MUTTAKKAVU,
KOLLAM DISTRICT.

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS:

1. THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
KOLLAM.

3. THE TAHSILDAR,
REVENUE RECOVERY, KOLLAM.

4. G.VISWANATHAN,
VISWANATH CASHEW COMPANY, KILIKOLLOOR,
KOLLAM DISTRICT.

BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
SRI.MAHESH V.MENON
ADV. SHRI.C.K.GOVINDAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007, ALONG WITH WPC NO. 22282 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 17375/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE ORDER DATED 10/05/2007 OF THE 2ND RESPONDENT.

P2 : COPY OF THE NOTICE DATED 25/02/2006.

P3 : COPY OF THE NOTICE DATED 05/05/2006.

P4 : COPY OF THE MAHAZAR DATED 17/10/2006 PREPARED by the 3RD RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 17375 & 22282 of 2007

Dated, this the 31st day of July, 2007

J U D G M E N T

In these connected cases, the question is whether the first revenue sale in recovery proceedings is rightly interfered with by the District Collector. I do not think any detailed evidence is required to uphold Collector's order because on resale, under interim orders of this Court, the property is sold for Rs. 43 lakhs, whereas the original sale to the petitioner in WP(C) No. 17375/07 was for Rs. 8.99 lakhs. In the circumstances, District Collector's order to cancel the sale is upheld but there will be direction to the recovery authority to pay to the petitioner-purchaser in the 1st sale, namely the petitioner in WP(C) No. 17375/07, the amount remitted by him and along with it 9% interest per annum on the said amount for the period from the date of payment till date of refund. Payment should be made within one month from the date of production of a copy of this judgment. The present sale can be confirmed in accordance with the Rules.

These writ petitions are disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg